

From: Kimberley Burchett
To: Microsoft ATR
Date: 1/23/02 5:38pm
Subject: Microsoft Settlement

I am a senior-level programmer, having worked in this industry for the past seven years.

I object to the proposed microsoft settlement because, while it does require microsoft to release details of their protocols and file formats, it allows them to obstruct the process of gaining access to that information. Specifically, the requirement that the would-be competitor *ask* microsoft for the information (thereby tipping off microsoft to the existence of all competition ahead of time), and that the competitor have a legitimate "business" reason for asking, present too high a barrier to entry.

Microsoft knows that a significant portion of the competition that they face will come from open-source developers. It is probable that the difficulty in gaining access to this information will deter many would-be competitors from even bothering, given that these developers will be working on their own initiative, without pay, and without any legal force should their requests be ignored.

I once worked on an open-source project that examined java class files. The microsoft java compiler had the ability to embed additional information in the class files that it produced, and I wanted my product to be able to gain access to that information. Microsoft made a cursory attempt at documenting their format, but specific numbers were omitted -- these numbers were necessary in order for my tool to be able to recognize the microsoft-specific information at all. I sent an email to the named contact for their specification, requesting clarification. I received no response. As I was but a single individual, I had no ability to command their attention.

I suspect that microsoft would similarly "actively neglect" any future specifications that they might be required to be released by this settlement. Making the specifications public on a website would be EASIER for them than only releasing them upon request. And I expect that making them public would provide a greater incentive to make them comprehensive as well.

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